

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

ROBERT LEE LEWIS,

Petitioner,

v.

CIVIL ACTION NO. 2:20-cv-00035

DONALD AMES,

Respondent.

**MEMORANDUM OPINION AND ORDER**

On January 13, 2020, the Petitioner, proceeding *pro se*, filed his *Petition Under 28 U.S.C. Code § 2254 for Writ of Habeas Corpus By a Person in State Custody* (Document 2). By *Standing Order* (Document 3) entered on January 14, 2020, the matter was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636.

On January 19, 2023, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 34) wherein it is recommended that this Court deny the Petitioner's *Petition Under 28 U.S.C. Code § 2254 for Writ of Habeas Corpus By a Person in State Custody* (Document 2) and dismiss this matter from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by March 1, 2023<sup>1</sup>.

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<sup>1</sup>The original objection deadline of February 6, 2023, was extended to March 1, 2023.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Petitioner's *Petition Under 28 U.S.C. Code § 2254 for Writ of Habeas Corpus By a Person in State Custody* (Document 2) be **DENIED** and that this matter be **DISMISSED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Tinsley, counsel of record, and any unrepresented party.

ENTER: March 3, 2023

  
IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA